

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO: WAVE 1 CASES	

**MOTION TO EXCLUDE THE OPINIONS AND
TESTIMONY OF SCOTT A. GUELCHER, PH.D.**

Defendants Ethicon, Inc. and Johnson & Johnson (Ethicon) move to exclude the causation testimony of Scott A. Guelcher, Ph.D. Dr. Guelcher's proposed opinion testimony is unreliable and irrelevant under the standard set forth in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). Ethicon incorporates its Memorandum in Support of Motion to Exclude the Opinions and Testimony of Scott A. Guelcher, Ph.D., and also the following exhibits:

1. List of cases to which this motion applies, attached as Exhibit A.
2. Expert Report of Scott A. Guelcher, Ph.D., attached as Exhibit B.
3. Excerpts from the deposition of Scott A. Guelcher, Ph.D. taken December 18, 2014, attached as Exhibit C.
4. Excerpts from the deposition of Scott A. Guelcher, Ph.D. taken March 23, 2016, attached as Exhibit D.
5. Excerpts from the *Huskey* Trial Transcript of August 25, 2014, attached as Exhibit E.
6. J. Blavias, *et al.*, *Safety Considerations for Synthetic Sling Surgery*, 18 Nat. Rev. Urology 17 (2015), attached as Exhibit F.

7. Excerpts from the deposition of Steven B. MacLean, Ph.D., P.E. taken September 29, 2015, attached as Exhibit G.
8. PCT *In Vitro* Study Protocol, attached as Exhibit H.
9. Excerpts from the *Winebarger* case Rule 26 Expert Report of Scott A. Guelcher, Ph.D., attached as Exhibit I.
10. Excerpts from the deposition of Scott A. Guelcher, Ph.D. taken September 15, 2015, attached as Exhibit J.
11. S.A. Guelcher & R.F. Dunn, "Oxidative Degradation of Polypropylene Pelvic Mesh *In Vitro*," 26 (Supp. 1) Int'l Urogynecology J. 55, 56 (2015), attached as Exhibit K.
12. Excerpts from the *Perry* Trial Transcript of February 3, 2015, attached as Exhibit L.
13. Notice of Deposition of Scott A. Guelcher, Ph.D. (Sept. 4, 2015), attached as Exhibit M.
14. Excerpts from the deposition of Vladimir Iakovlev, M.D. taken September 14, 2015, attached as Exhibit N.
15. Excerpts from the Expert Report of Shelby F. Thames, Ph.D., attached as Exhibit O.
16. Excerpts from the Expert Report of Steven B. MacLean, Ph.D., attached as Exhibit P.
17. P. Moalli, *et al.*, *Characterization of the Host Inflammatory Response Following Implantation of Prolapse Mesh in Rhesus Macaque*, 213(5) Am. J. Obstet. Gynecol. 668.e1-668.e10 (Nov. 2015), attached as Exhibit Q.
18. V. Iakovlev, *et al.*, *Degradation of Polypropylene In Vivo: A Microscopic Analysis of Meshes Explanted From Patients*, J. Biomed. Mater. Res. Part B (2015), attached as Exhibit R.
19. A. Imel, *et al.*, *In Vivo Oxidative Degradation of Polypropylene Pelvic Mesh*, 73 Biomaterials 131-141 (2015), attached as Exhibit S.
20. A. Clave, *et al.*, *Polypropylene As A Reinforcement In Pelvic Surgery Is Not Inert: Comparative Analysis of 100 Explants*, 21 Int. Urogynecol. J. 261, 266 (2010), attached as Exhibit T.

21. A.J. Wood, *et al.*, *Materials Characterization and Histological Analysis of Explanted Polypropylene, PTFE, and PET Hernia Meshes from an Individual Patient*, 24 J. Mater. Sci. Mater. Med. 1113 (2013), attached as Exhibit U.
22. C.R. Costello, *et al.*, *Characterization of Heavyweight and Lightweight Polypropylene Prosthetic Mesh Explants From a Single Patient*, 14 Surg. Innov. 168 (2007), attached as Exhibit V.
23. C.R. Costello, *et al.*, *Materials Characterization of Explanted Hernia Meshes*, 83B J. Biomed. Mater. Res Part B: Appl Biomater 44 (2007), attached as Exhibit W.
24. B. Fayolle, *et al.*, *Oxidation Induced Embrittlement in Polypropylene—A Tensile Testing Study*, 70 Polymer Degradation & Stability 333 (2000), attached as Exhibit X.
25. Excerpts from the deposition of Scott A. Guelcher, Ph.D. taken March 25, 2014, attached as Exhibit Y.
26. T. Liebert, *et al.*, *Subcutaneous Implants of PP Filaments*, 10 J. Biomed. Mater. Res. 939 (1976), attached as Exhibit Z.
27. IR Microscopy of Explanted Prolene (Sept. 30, 1987), attached as Exhibit AA.
28. Seven Year Data for Ten Year Prolene Study (Oct. 15, 1992), attached as Exhibit BB.
29. Excerpts from the deposition of Thomas A. Barbolt, Ph.D. taken January 8, 2014, attached as Exhibit CC.
30. Excerpts from the deposition of Howard C. Jordi, Ph.D. taken October 30, 2013, attached as Exhibit DD.
31. Excerpts from the *Cardenas* Trial Transcript of August 18, 2014, attached as Exhibit EE.

WHEREFORE, FOR THESE REASONS and as more fully set forth in Ethicon's supporting memorandum of law, Ethicon respectfully requests that this Court enter an order granting Ethicon's Motion to Exclude the Opinions and Testimony of Scott A. Guelcher, Ph.D.

Respectfully submitted,

ETHICON, INC. AND
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CERTIFICATE OF SERVICE

I certify that on April 20, 2016, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

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